

Environmental Clearance Application

Initial Study

Umbarger Road Property

PDC04-054

Application by

Braddock & Logan Group

August 26, 2004

Mindigo & Associates

Environmental Consultants

1984 The Alameda ■ San Jose, California 95126 ■ (408) 554-6531

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City of San Jose

Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San Jose, CA 95110
(408) 277-4576

ENVIRONMENTAL CLEARANCE APPLICATION

TO BE COMPLETED BY PLANNING DIVISION STAFF		
FILE NUMBER:		RECEIPT #: _____
ND GRANTED:	EIR REQUIRED:	DATE: _____
PROJECT MANAGER:	ENVIRONMENTAL COORDINATOR:	AMOUNT: _____
		BY: _____
NOTES:		

I. PROJECT DESCRIPTION

A. GENERAL INFORMATION

Applicant:

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Attn: Jim Sullivan

Property Owner:

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Environmental Consultant:

Mindigo & Associates
1984 The Alameda
San Jose, CA 95126
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Name of Project:

Umbarger Road Property

Location of Project:

Northwesterly side of Umbarger Road,
approximately 1/4-mile west of Senter Road
(413, 425 Umbarger Road)

Brief Description of Project:

A 30-unit single family detached residential
development on approximately 3.5 gross acres

Assessor's Parcel Number(s):

497-37-001

Click here for [SANTA CLARA VALLEY MAP](#) (Figure 1)

Click here for [USGS MAP](#) (Figure 2)

Click here for [VICINITY MAP](#) (Figure 3)

Click here for [ASSESSOR'S PARCELS MAP](#) (Figure 4)

Click here for [AERIAL PHOTO OF THE VICINITY](#) (Figure 5)

Click here for [AERIAL PHOTO OF THE SITE](#) (Figure 6)

Click here for [VIEW OF THE SITE](#) (Figure 7)

Click here for [VIEW OF THE SITE](#) (Figure 8)

B. PROJECT OBJECTIVE

The objective of this project is to construct high quality, single family homes on the site, in accordance with the goals and policies of the City of San Jose. The applicant believes that there is a market for them in this area.

C. DESCRIPTION

The project is a single family detached residential development with individual lots located on public streets. The minimum lot is 3,000 square feet in area and the average lot is approximately 3,600 square feet. The Conceptual Site Plan provides for 30 units. The Project Data table and reduced copies of the project plans follow. Full size copies are available for review at the City of San Jose Planning Division.

Unit Types

The homes are planned to be two story, wood frame structures with wood and stucco exteriors. They have three or four bedrooms, two car garages and fenced rear yards. Front yard landscaping is to be provided.

Landscaping

The landscaping proposed for the front yards is shown in schematic form on the Preliminary Landscape Plan, Figure 14. Street trees, evergreen trees, shrubs, lawn and groundcover are planned.

Access and Street System

Access is from Umbarger Road. The internal project street is to be public. The public streets are to be constructed of asphaltic concrete on a rock base, with concrete curbs, gutters and sidewalks, and street trees and electroliers in accordance with City standards.

Parking

Off-street parking for the project is to be provided in attached 2-car garages and on driveway aprons. A total of 120 off-street parking spaces is to be provided by the project.

Exterior Lighting

Standard electroliers in accordance with City standards are to be provided along the public streets. Normal exterior household lighting is to be provided with the residences.

Utilities

All utilities required to serve the project, including sanitary sewer, wastewater treatment, water supply, storm drainage, natural gas, electricity and telephone, as further described in the

following Utilities and Service Systems section, would be provided with the project. All of the utilities within the project are to be underground.

Demolition

The project proposes the demolition of all the onsite structures. A discussion of potential asbestos-containing materials (ACM) and/or lead based paint (LBP) hazards is included in the following Hazards and Hazardous Materials section.

Hazardous Materials

Hazardous materials other than those for normal household and yard use will not be used as a part of the operation of any of the establishments on the project site.

Grading

Grading planned for the project is shown on the following Conceptual Grading and Drainage Plan, Figure 13. The final lot and street grading for the project is to be designed to conform to the natural ground as closely as possible. The amount of grading planned is the minimum required to provide public streets that meet requirements for structural section and rate of grade, and to allow the construction of level building pads with positive drainage. In addition to the lot and street excavation, trenching is required for the underground utilities and sewer system. Approximately 11,000 to 17,000 cubic yards of material are estimated to be moved during the grading operations. The maximum finished cut or fill is estimated to be less than three feet, and no significant import or export of natural material is expected.

Tree Removal

There is one existing tree onsite, which is to be removed as further discussed in the following Biological Resources section.

Public Improvements

Public improvements planned with the project include the additional dedication (as required) and improvement of Umbarger Road adjacent to the project site. The street within the project is a public street that is to be dedicated and improved in accordance with City standards. The precise dedication and improvement widths and public street rights-of-way are to be in conformance with City plans and requirements.

Public Land Reservations

There are no public land reservations with this project.

Other Related Permits

In addition to the proposed Planned Development (PD) Zoning, other related permits to be obtained from the City of San Jose and/or any other public agency approvals required for this project by other local, State or Federal agencies are as follows:

Agency	Permit/Approval
City of San Jose	PD Permit, Tentative Map, Final Map, Grading Permit, Building Permits Annexation

Community Meeting

A community meeting to discuss the proposed project with neighbors has not been held; however, community meetings were held in conjunction with the 2004 General Plan Amendment process.

Table 1. Project Data

Category		Figure
Gross Acreage		3.5
Public Streets		1.0
Net Acreage		2.5
Average Lot Size (<i>square feet</i>)		3,600
Minimum Lot Size (<i>square feet</i>)		3,000
Number of Single Family Homes		
Three bedroom units		15
Four bedroom units		<u>15</u>
Total		30
Building Height (<i>feet</i>)		30
Estimated Population *		105
Estimated School Children		
K-5 (<i>0.15</i>)		5
6-8 (<i>0.06</i>)		2
9-12 (<i>0.20</i>)		<u>6</u>
Total		13
Estimated Wastewater (<i>gallons/day</i>)		7,100
Estimated Water Demand (<i>gallons/day</i>)		13,700
Estimated Solid Waste (<i>tons/year</i>)		29
Coverage Factors	Acres	Percent
Homes & Garages	0.9	26
Private Open Space	1.6	46
Public Streets	<u>1.0</u>	<u>28</u>
Total	3.5	100
Density (<i>units/net acre</i>)		30 / 2.5 = 12.0
Density (<i>units/gross acre</i>)		30 / 3.5 = 8.6
Start/Completion Dates		Spring, 2005 / Fall, 2005

* Based on 2000 Census average of 3.50 persons per SFD dwelling unit.

Click here for [LAND USE PLAN](#)
(FIGURE 9)

11 x 17

Click here for [CONCEPTUAL SITE PLAN](#)
(FIGURE 10)

11 x 17

Click here for [TYPICAL FLOOR PLAN](#)
(FIGURE 11)

8 1/2 X 11

Click here for [TYPICAL ELEVATIONS](#)
(FIGURE 12)

8 1/2 X 11

Click here for [CONCEPTUAL GRADING AND DRAINAGE PLAN](#)
(FIGURE 13)

11 x 17

Click here for [PRELIMINARY LANDSCAPE PLAN](#)
(FIGURE 14)

11 x 17

II. ENVIRONMENTAL SETTING, IMPACT CHECKLIST AND MITIGATION

1. AESTHETICS

SETTING

The current view of the project site consists primarily of a vacant asphalt and gravel open area and three structures, which can be seen in the preceding photographs, Figures 7 and 8. There is a house on Umbarger Road, and a former house that has been used as an office also on Umbarger Road. Three storage containers are located behind the houses, and a metal shop building is in the center of the site.

Scenic Route

The project site is not located adjacent to a designated scenic route.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on aesthetics if it would:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway.
- Substantially degrade the existing visual character or quality of the site and its surroundings.
- Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.
- Increase the amount of shade in public and private open space on adjacent sites.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
1. AESTHETICS. Would the project:					
a. Have a substantial adverse effect on a scenic vista?				X	25,26,27
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway?				X	25,26,29
c. Substantially degrade the existing visual character or quality of the site and its surroundings?		X			25,26,28
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?		X			25,26,28

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
1. AESTHETICS (Cont.). Would the project:					
e. Increase the amount of shade in public and private open space on adjacent sites?			X		25,26,28

The current view of the site consists of a vacant asphalt and gravel open area and three structures as shown on the preceding photographs, Figures 7 and 8. The project would change the view of the site from vacant light industrial to single family detached residential.

Light and Glare

The project could potentially produce offsite light and glare. The project would be designed to utilize downward-directed low pressure sodium vapor street lights in order to prevent offsite light and glare.

Temporary Construction Visual Impacts

Construction of a typical project causes short-term visual impacts. The grading operations create a visual impact, and construction debris, rubbish and trash can accumulate on construction sites and are unsightly if visible from public streets. The completion of the project improvements and landscaping would eliminate the short-term visual impacts of the grading and construction operations.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Project Measures

- Trees and landscaping shall be provided.

Light and Glare

- Downward-directed low pressure sodium vapor street lights along the public streets shall be provided in order to prevent offsite light and glare.

Temporary Construction Visual Impacts

- Public streets that are impacted by project construction activities shall be swept and washed down daily.
- Debris, rubbish and trash shall be cleared from any areas onsite that are visible from a public street.

2. AGRICULTURE RESOURCES

SETTING

Important Farmlands

The *Santa Clara County Important Farmland Map*, prepared by the California Department of Conservation and the USDA Soil Conservation Service, classifies land in seven categories in order of significance: 1) prime farmland, 2) farmland of Statewide importance, 3) unique farmland, 4) farmland of local importance, 5) grazing land, 6) urban and built-up land and 7) other land. The project site is classified as "urban and built-up land," which is defined as land occupied by structures with a building density of at least one unit to one and one-half acres.

Williamson Act

The California Land Conservation Act ("Williamson Act") was enacted to help preserve agricultural and open space lands via a contract between the property owner and the local jurisdiction. Under the contract, the owner of the land agrees not to develop the land in exchange for reduced property taxes. The project site is not under a Williamson Act contract.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on agriculture resources if it would:

- Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
2. AGRICULTURE RESOURCES. Would the project:					
a. Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	30,31
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	32,57

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
2. AGRICULTURE RESOURCES (Cont.). Would the project:					
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X	25,26,28

Important Farmlands

The project site is classified as urban and built-up land on the *Important Farmland Map* for Santa Clara County. Since the site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use, the project would not have a significant impact on agricultural land.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

3. AIR QUALITY

SETTING

Bay Area Air Quality Management District

The project site is located in the Bay Area Air Quality Management District (BAAQMD). The District includes seven Bay Area counties and portions of two others. Air quality emission and control standards are established by the BAAQMD and the California Air Resources Board, and by the Environmental Protection Agency (EPA) at the Federal level. These agencies are responsible for developing and enforcing regulations involving industrial and vehicular pollutant emissions, including transportation management and control mitigation measures.

Regional Climate

The air quality of a given area is not only dependent upon the amount of air pollutants emitted locally or within the air basin, but also is directly related to the weather patterns of the region. The wind speed and direction, the temperature profile of the atmosphere, and the amount of humidity and sunlight determine the fate of the emitted pollutants each day, and determine the resulting concentrations of air pollutants defining the “air quality.”

The Bay Area climate is Mediterranean, with mild, rainy winters November through March, and warm, sunny and nearly dry summers June through September. Summer temperature inversions trap ground level pollutants. Winter conditions are less conducive to smog, but thin evening inversions sometimes concentrate carbon monoxide emissions at ground level.

Air Quality Standards

The U.S. Environmental Protection Agency (U.S. EPA) and the California Air Resources Board have both established ambient air quality standards for common pollutants to avoid adverse health effects from each pollutant. The pollutants, which include ozone, carbon monoxide (CO), nitrogen dioxide, and particulate matter (PM₁₀ and PM_{2.5}), and their standards are included in the Local Air Quality table that follows.

Regional Air Quality

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as “nonattainment areas”. In June of 1998, the U.S. EPA reclassified the Bay Area from “maintenance area” to nonattainment for ozone based on violations of the federal standards at several locations in the air basin. This reversed the air basin’s reclassification to “maintenance area” for ozone in 1995. Reclassification required an update to the region’s federal air quality plan.

Under the California Clear Air Act, Santa Clara County is a nonattainment area for ozone and particulate matter (PM₁₀). The county is either attainment or unclassified for the other

pollutants. The California Clean Air Act requires local air pollution control districts to prepare air quality attainment plans; these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods or, if not, provide for adoption of “all feasible measures on an expeditious schedule”.

Local Air Quality

Air quality in the project area is subject to the problems experienced by most of the Bay Area. Emissions from millions of vehicle-miles of travel each day often are not mixed and diluted, but are trapped near ground level by an atmospheric temperature inversion. Prevailing air currents generally sweep from the mouth of the Bay toward the south, picking up and concentrating pollutants along the way. A combination of pollutants emitted locally, the transport of pollutants from other areas, and the natural mountain barriers (the Diablo Range to the east and the Santa Cruz Range to the southwest) produce high concentrations. Air quality data from the last three years at the nearest BAAQMD monitoring station in San Jose, and Federal and State standards, are shown in the following table.

Table 2. Local Air Quality

Pollutant	Standard	Days Exceeding Standard		
		2000	2001	2002
OZONE				
State 1-hour	0.09 ppm	0	2	na*
Federal 1-hour	0.12 ppm	0	0	na*
Federal 8-hour	0.08 ppm	0	0	na*
CARBON MONOXIDE				
State/Federal 8-hour	9.0 ppm	0	0	0
NITROGEN DIOXIDE				
State 1-hour	0.25 ppm	0	0	0
PARTICULATE MATTER (PM ₁₀)				
State 24-hour	50 ug/m ³	7	4	2
Federal 24-hour	150 ug/m ³	0	0	0
PARTICULATE MATTER (PM _{2.5})				
Federal 24-hour	65 µg/m ³	na**	na**	0

ppm = parts per million

ug/m³ = micrograms per cubic meter

SOURCE: Bay Area Air Quality Management District monitoring data for San Jose.

* The San Jose 4th Street monitoring station was closed for relocation on April 30, 2002, and reopened as San Jose Central on October 5, 2002. Ozone statistics for 2002 are not available.

** 2002 is the first year reporting PM_{2.5} statistics.

Project Site

The project site is similar to other locations in the South Bay; air quality meets adopted State and/or Federal standards (the more stringent standard applies) on most days, and during periods when regional atmospheric conditions are stagnated, the air quality is poor throughout the extended South Bay area. There are no existing sources on the project site that currently adversely affect local air quality.

Sensitive Receptors

Sensitive receptors are facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child care centers, retirement homes, convalescent homes, hospitals and medical clinics. The closest sensitive receptors are the mobile home community located east of the project site and the single family residences located south of the site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on air quality if it would:

- Conflict with or obstruct implementation of the applicable air quality plan.
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).
- Expose sensitive receptors to substantial pollutant concentrations.
- Create objectionable odors affecting a substantial number of people.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
3. AIR QUALITY. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?			X		33
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X			26,34
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?			X		26,34

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
3. AIR QUALITY (Cont.). Would the project:					
d. Expose sensitive receptors to substantial pollutant concentrations?				X	25,28,34
e. Create objectionable odors affecting a substantial number of people?				X	26,28

Project Impacts

For most types of development projects, motor vehicles traveling to and from the project represent the primary source of air pollutant emissions associated with the project. The BAAQMD has established thresholds of significance for these indirect impacts from projects on local and regional air quality. An air quality analysis is recommended when vehicle emissions of carbon monoxide (CO) exceed 550 lbs/day; and if a project generates over 80 lbs/day of reactive organic gases (ROG), nitrogen oxides (NO_x) or suspended particulate matter (PM₁₀), it would have a significant air quality impact. The District has also developed sizes or activity levels for various types of land use, using default values, that would exceed the threshold of significance for NO_x (80 lbs/day). For single family residential, the size is 320 units. The proposed 31-unit project is substantially below that level and, therefore, would not have a significant air quality impact.

Odors

The project would not generate objectionable odors or place sensitive receptors adjacent to a use that generates odors (i.e., landfill, composting, etc.).

Temporary Construction Air Quality

Project construction would produce short-term fugitive dust generated as a result of soil movement and site preparation. Construction would cause dust emissions that could have a significant temporary impact on local air quality. Fugitive dust emissions would be associated with site preparation activities, such as excavation and grading, and building construction. Dust emissions would vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Particulates generated by construction are recognized, but small, contributing sources to regional air quality. While it is a potential impact, construction dust emissions can be mitigated by dust control and suppression practices that are appropriate for the project and level of activity.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Project Measures

Temporary Construction Air Quality

- The following construction practices shall be implemented during all phases of construction for the proposed project: 1) water all active construction areas at least twice daily or as often as needed to control dust emissions; 2) cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard; 3) pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; 4) sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust; 5) sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material; 6) hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); 7) enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust; 8) limit traffic speeds on unpaved roads to 15 mph; 9) install sandbags or other erosion control measures to prevent silt runoff to public roadways; and 10) replant vegetation in disturbed areas as quickly as possible.

4. BIOLOGICAL RESOURCES

Live Oak Associates, Inc. conducted a tree survey that is included in the Technical Appendix.

SETTING

Vegetation

The project site is presently developed with asphalt and gravel open space and three structures, except for scattered herbaceous ground cover. There are no designated Heritage Trees on the site, and no rare or endangered plant species are known to inhabit the site.

Trees

A tree survey on the project site was conducted. There is one tree, a Poplar measuring 23 inches in diameter, located in the southerly corner of the project site. It is in fair to good condition. This tree exceeds 18 inches in diameter and comes under the review of the City's Tree Ordinance. The approximate tree location is shown on the preceding Aerial Photo of the Site, Figure 6. A photograph of the Ordinance-sized tree follows.

Riparian Corridor Habitat

Riparian corridor habitat, i.e., vegetation occurring along the banks of a waterway, is not located on or within 300 feet of the project site. The project would not be constructed within 100 feet of riparian corridor habitat (within 100 feet of the top of bank or edge of riparian vegetation of any waterway).

Wildlife

The project site contains developed (ruderal) habitat. Wildlife typically associated with this habitat type include birds, reptiles and small mammals. No rare or endangered animal species are known to inhabit the site. The site does not contain any known important wildlife breeding, nesting or feeding areas.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption or other means.

Click here for (PHOTOGRAPH OF) [ORDINANCE-SIZED TREE](#)
(FIGURE 15)

8 1/2 X 11

COLOR

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
4. BIOLOGICAL RESOURCES. Would the project:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	25,27,59
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	25,27,70
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption or other means?				X	25,27
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	25,27
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X			25,29
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X	25,29

Trees

There is a 23-inch diameter Poplar tree on the site, which is currently planned to be removed with the project; this tree exceeds 18 inches in diameter (56-inch circumference) and comes under the review of the City's Tree Ordinance, which requires approval for the removal of any tree with an 18-inch diameter (56-inch circumference) or greater. Street trees would be planted along the public streets.

Wildlife

The project requires the removal of the tree and vegetation on the site. The birds and small mammals would diminish during the initial construction, but as the urban landscaping matures, birds that have adapted to the urban environment would return.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Trees

- Approval shall be obtained with the PD Permit for the removal of any tree with a diameter of 18 inches (56-inch circumference) or greater; and any such tree that is removed shall be replaced with a tree(s) as required by the San Jose Tree Ordinance.

Project Measures

Trees

- Any Ordinance-sized (18-inch diameter or greater) tree that is removed shall be replaced by 4 new 24-inch box trees; the species of trees to be planted on the site shall be determined in consultation with the City Arborist and the Planning Division.

5. CULTURAL RESOURCES

SETTING

Prehistoric Resources

The project site is not within a potential archaeological resource zone as outlined on the maps on file at the City of San Jose Planning Division. There are no historical or cultural sites on the project site, nor does the site have any natural features of significant scenic value or with rare or unique characteristics.

Historic Resources

There are two existing structures located on the project site, which were constructed approximately 40 years ago. The architectural style of the structures onsite can be described as ranch-style. None of the structures on the project site is listed as a City Landmark or Candidate City Landmark, or is listed or determined eligible for listing on the National or California Register of Historic Places.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on cultural resources if it would:

- Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5.
- Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.
- Disturb any human remains, including those interred outside of formal cemeteries.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
5. CULTURAL RESOURCES. Would the project:					
a. Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?				X	25,39,40
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?		X			4,27
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	27
d. Disturb any human remains, including those interred outside of formal cemeteries?		X			27

Prehistoric Resources

The project site is not in a potential archaeological resource zone. There is no basis to warrant subsurface investigations or monitoring during construction at this time; however, there is still a possibility that unknown subsurface cultural resources may exist on the site.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Native Americal Burials

- Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California: In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified by the developer and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

Project Measures

Prehistoric Resources

- Should evidence of prehistoric cultural resources be discovered during construction, work in the immediate area of the find shall be stopped to allow adequate time for evaluation and mitigation, and a qualified professional archaeologist called in to make an evaluation; the material shall be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the Director of the Planning Division.

6. GEOLOGY AND SOILS

ENGEO Incorporated conducted a geotechnical investigation that is included in the Technical Appendix.

SETTING

Topography

The project site has a uniform northwesterly slope of less than 0.5 percent. Elevations on the site range from approximately 134 feet along the southeasterly boundary along Umbarger Road to approximately 132 feet along the northwesterly boundary. There are no significant topographical features on the site.

Geology

The project site is underlain by Quaternary alluvium (Qal), which consists of unconsolidated to weakly consolidated silt, sand and gravel. Quaternary alluvium includes Holocene and late Pleistocene alluvium and minor amounts of beach and dune sand and marine terrace deposits.

Geologic Hazard Zone

The project site is not located in a geologic hazard zone as mapped by the City of San Jose in accordance with the Geologic Hazards Ordinance.

Soils

Soils on the project site belong to the Yolo association consisting of well-drained, medium and moderately fine-textured soils developed in medium-textured sedimentary alluvium.

The site is mapped within a hazard zone for liquefaction on the City's *Geologic/Seismic Hazard Zones* maps. According to Cooper-Clark and Associates' *San Jose Geotechnical Investigation*, the site is mapped as having a moderately high liquefaction potential, weak soil layers and lenses occurring at random locations and depths, highly expansive soils, no erosion hazard, and is not susceptible to landslides. The liquefaction potential is considered to warrant further geologic study at the environmental review stage; the remainder of the soils conditions can be managed using standard engineering measures and do not require further geologic study at this time as part of the environmental review process, but may require further analysis prior to the issuance of a grading or building permit.

Faulting

There are no identified earthquake faults mapped on the site. The nearest active fault zones are the Hayward and Calaveras Faults, which are mapped approximately 5.0 and 7.0 miles respectively to the northeast, and the San Andreas Fault, which is mapped approximately 12.0 miles to the southwest.

Geotechnical Investigation

A geotechnical investigation was conducted to assess geologic/geotechnical hazards at the site; determine the suitability of the site for the proposed development; and provide recommendations regarding site grading and foundation design. The investigation consisted of a review of readily available literature and geologic maps for the project area; one cone penetrometer test probe; exploratory drilling with collection of subsurface samples; laboratory testing of subsurface materials collected from the boreholes; analysis of the gathered geotechnical data; and preparation of recommendations for site development.

Literature/Map Review

Regional maps locate the site in the broad, north-south trending, alluvial-filled Santa Clara Valley. Soils at the site are mapped as Holocene basin deposits and/or fluvial deposits at the outer edge of alluvial fans made up of fine-grained sand, silt, and clay.

The site is not located within a State of California Earthquake Fault Hazard Zone and no known active faults cross the site; however, the site is located within a Seismic Hazard Zone for liquefaction potential.

Field Exploration

One cone penetrometer test (CPT) probe was advanced and five test borings were drilled on the site on March 27 and 29, 2004. The CPT probe was extended to a maximum depth of approximately 50 feet below ground surface (bgs). The test borings were drilled to depths of between 16.5 and 28 feet bgs. The approximate locations of the probe and borings and their respective logs are included in the report in the Technical Appendix.

The ground covering at the boring locations typically consisted of patchy asphalt. The near-surface soils down to a depth of approximately 3 to 5 feet consist of stiff to hard, dark brown to dark grayish brown, moist, silty clay with traces of fine sand. The underlying soil down to a depth of approximately 15 feet consists of similar material with an olive brown color change. Below 15 feet in two borings in the southwesterly portion of the site and below 25 feet in a third boring in the center of the site, the silty clay increases in moisture content and decreases in strength to medium stiff. The medium stiff clay material was encountered at deeper depths towards the north. According to empirical correlations of the CPT data, the soils beneath the site appear consistent with the borings and generally remain clayey down to the maximum probed depth (50 feet). Groundwater was not encountered within the depths explored.

Laboratory Testing

A laboratory testing program was conducted on selected soil samples to determine the following soil characteristics: natural unit weight and moisture content, plasticity index, grain size distribution, and swell test-specified load. The results of the laboratory tests are included in the report in the Technical Appendix. The soils tested indicated a moderate to moderately high expansion potential.

Investigative Conclusions

The principal adverse geotechnical factors that would affect the project are seismic shaking and expansive soils. The project site is considered suitable for the proposed residential development from a geotechnical standpoint, provided the recommendations included in the geotechnical report are followed.

SIGNIFICANCE CRITERIA

The proposed project would have a significant geology and soils impact if it would:

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:
 - 1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.).
 - 2) Strong seismic ground shaking.
 - 3) Seismic-related ground failure, including liquefaction.
 - 4) Landslides.
- Result in substantial soil erosion or the loss of topsoil.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
6. GEOLOGY AND SOILS. Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:					
i. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)				X	43, 46,47,86
ii. Strong seismic ground shaking?		X			28,45,86
iii. Seismic-related ground failure, including liquefaction?			X		45,78,86
iv. Landslides?				X	25,43,45
b. Result in substantial soil erosion or the loss of topsoil?		X			28,45

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
6. GEOLOGY AND SOILS (Cont.). Would the project:					
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		45
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?		X			45,86
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?				X	28

Expansive Soils

The surface soils on the site pose a hazard to building foundations because of their moderate to moderately high shrink/swell potential. Mitigation measures for this problem include controlling and directing drainage away from structures and pavements, and the use of special foundations.

Erosion

Development of the project site may subject the soils to accelerated erosion. In order to minimize erosion, erosion control measures such as those described in the Association of Bay Area Governments (ABAG) *Manual of Standards for Erosion & Sediment Control Measures* would be incorporated into the project.

Ground Rupture

Ground rupture (surface faulting) tends to occur along lines of previous faulting. As there are no known faults on the site, the potential for ground rupture due to an earthquake is low.

Seismic Shaking

The maximum seismic event occurring on the site would probably be from effects originating from the Hayward, Calaveras, or San Andreas fault systems. Ground shaking effects can be expected in the area during a major earthquake originating along any of the active faults within the Bay Area. At present, it is not possible to predict when or where movement will occur on these faults. It must be assumed, however, that movement along one or more of these faults will result in a moderate or major earthquake during the lifetime of any construction on this site. The effects on development would depend on the distance to the earthquake epicenter, duration, magnitude of shaking, design and quality of construction, and geologic character of materials underlying foundations.

The maximum credible earthquake, which is defined as *"the maximum earthquake that appears capable of occurring under the presently known framework"*, for the San Andreas Fault ranges from magnitude 8.0 to 8.3; and from magnitude 7.0 to 7.5 for either the Hayward or Calaveras Faults. The maximum probable earthquake, which is defined as *"the maximum earthquake that is likely to occur during a 100-year interval"*, for the San Andreas Fault ranges from magnitude 7.5 to 8.5; from magnitude 6.75 to 7.5 for the Hayward Fault; and from magnitude 6.5 to 7.0 for the Calaveras Fault.

Structural damage from ground shaking is caused by the transmission of earthquake vibrations from the ground into the structure. Ground shaking is apparently the only significant threat to structures built on the site; however, it is important to note that well-designed and constructed structures that take into account the ground response of the soil or rock in their design usually exhibit minor damage during earthquake shaking.

The project would be designed and constructed in accordance with Uniform Building Code requirements, which are intended to reduce seismic risks to an acceptable level.

Secondary Seismic Effects

Soil liquefaction is a phenomenon in which saturated, cohesionless soil layers located close to the ground surface lose strength during cyclic loading, such as imposed by earthquakes. During the loss of strength, the soil acquires a "mobility" sufficient to permit both horizontal and vertical movements. Soils that are most susceptible to liquefaction are clean, loose, saturated, uniformly graded, fine-grained sands. The conditions at this site are such that the potential for this phenomenon to occur is considered to be low.

Based on the topographic and lithologic data, the risk of earthquake-induced lurch cracking, lateral spreading, densification, regional subsidence or uplift, tsunamis or seiches is considered to be low at the site.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Seismic Shaking

- The project shall be designed and constructed to incorporate wall bracing, mudsill anchors, tie downs, and/or hinge connectors to ensure structural stability as required by the earthquake design regulations of the Uniform Building Code.

Project Measures

General

- All earthwork and foundation plans and specifications shall comply with the recommendations of the geotechnical exploration by ENGEO Incorporated. The geotechnical report lists approximately 55 recommendations that are included in the project

for site grading, foundations, slabs-on-grade, retaining walls, asphalt pavement design, drainage, and utility trenches, most of which reflect standard engineering practices that are not required to mitigate environmental impacts. The recommendations that specifically address potential geotechnical hazards found on the site are included below.

Expansive Soils

- Post-tensioned or conventionally-reinforced floating mat foundations or strip footing foundations shall be utilized in any residences subjected to expansive soils movement.
- Drainage shall be controlled and directed away from all structures and pavements.

Erosion

- A City approved Erosion Control Plan shall be developed and implemented with such measures as: 1) the timing of grading activities during the dry months, if feasible; 2) temporary and permanent planting of exposed soil; 3) temporary check dams; 4) temporary sediment basins and traps and/or 5) temporary silt fences.

7. HAZARDS AND HAZARDOUS MATERIALS

ENGEO Incorporated conducted a Phase I environmental site assessment and an agrichemical impact assessment, both of which are included in the Technical Appendix.

SETTING

Phase I Environmental Site Assessment

A Phase I environmental site assessment was conducted to identify recognized environmental conditions associated with the project site. A Recognized Environmental Condition (REC) is defined as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The assessment consisted of site history research, including selected historical aerial photographs; a site reconnaissance; and a search of publicly available and practically reviewable regulatory agency databases.

Site History

Historical aerial photographs of the site and vicinity from 1939 through 1993 were reviewed. From 1939 through 1956, the project site was comprised of open space and used for agricultural purposes. Two single family residences had been built along Umbarger Road by 1965; the remainder of the site was still being used for agricultural purposes. By 1982, a shop building near the center of the site had been constructed, as well as several other improvements; an increased number of vehicles were parked across the site in 1993.

Adjacent properties consisted of agricultural land from 1939 to 1956, except for the County fairgrounds to the northwest; by 1956, several residential, commercial and light industrial structures had been built to the south and east of the project site. The single family residences directly north of the site were constructed by 1965. The mobile home park was erected along the northeasterly boundary by 1982; automobile servicing appeared to be occurring offsite along the southwesterly boundary. No changes were identified in 1993.

A City directory database search from 1890 to 2000 provided an historical review of past site uses. No known tenant was identified prior to 1963; between 1963 and the present, a number of small businesses, including various contractors and auto body shops have leased the property. The two residences have been inhabited since 1963.

Site Reconnaissance

The site was viewed on January 14, 2004 for hazardous materials storage, surficial staining or discoloration, debris, stressed vegetation, or other conditions that may be indicative of potential sources of soil or groundwater contamination. The site was also inspected for fill/ventilation

pipes, ground subsidence, or other evidence of existing or pre-existing underground storage tanks.

The property contains two small residences, a metal shop with a concrete slab floor, and three storage containers in a fenced-off enclosure. In between the structures are open areas with several concrete pads, an old wash-down area, and remnants of asphalt. At the time of the reconnaissance, the property was vacant except for a tenant occupying the single family residence identified as 414 Umbarger Road. No storage tanks, hazardous substance and/or petroleum product containers, transformers, stained soil or pavement, areas of stressed soil or vegetation, or evidence of a water well or septic system were observed on the site.

Adjoining properties were viewed from the project site for any evidence of conditions that may impact the environment. A PG&E transformer is located offsite next to the mobile home park, near the northeast boundary of the site. No conditions that pose a threat were readily observed.

Regulatory Agency Review

A search of local, state and federal agency databases regarding the project site and known contaminated sites in the immediate vicinity was performed. The project site is located on one federal agency list and on four state agency lists, and several sites are located within the vicinity, as detailed in the report in the Technical Appendix. Given the available database information and distance to the facilities, the offsite locations are not expected to significantly impact the project site.

Review of the municipal agencies' records indicates that seven underground storage tanks (USTs) have been removed from the project site. The first three, belonging to R.W. French Construction, were removed in May, 1995. The Santa Clara Valley Water District (SCVWD) closed the case on August 30, 1995 after reviewing the UST removal report. The next four tanks, belonging to Auto Salvage Yard, were removed in 1998, and the case was closed by the SCVWD on October 23, 1998. The case closure reports are included in the report in the Technical Appendix.

Agrichemical Impact Assessment

As the site was historically used for agriculture, during which time pesticides and herbicides may have been used, an agrichemical impact assessment was conducted, consisting of the collection and analysis of 10 near-surface soil samples. Fieldwork was conducted on March 16, 2004. Soil samples were taken from a depth of 3 to 9 inches below the ground surface. Five composite samples were analyzed for organochlorine pesticides and the metals mercury, arsenic, and lead in accordance with EPA methodology. No detectable concentrations of organochlorine pesticides were found, with the exception of one composite sample containing trace levels of DDT [1.9 parts per billion (ppb)], Endosulfan (5.8 ppb), Endrin (2.0 ppb), and Heptachlor epoxide (1.2 ppb); and another composite sample containing Dieldrin (3.9 ppb). Concentrations

of mercury ranged from 0.02 to 4.9 parts per million (ppm), concentrations of arsenic ranged from a non-detectable level to 25 ppm, and concentrations of lead ranged from 9.9 to 25 ppm. The locations of the shallow soil borings and the laboratory analyses are included in the report in the Technical Appendix.

SIGNIFICANCE CRITERIA

The proposed project would have a significant hazards and hazardous materials impact if it would:

- Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area.
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.
- Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?		X			26, 27,87,88
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	28,87
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?				X	27,87

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
7. HAZARDS AND HAZARDOUS MATERIALS (Cont.). Would the project:					
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X		87
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	27
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	27
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?				X	27
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	25, 27,72,73

Agricultural Chemicals

As the site was historically used for agriculture, it is conceivable that residual levels of persistent pesticides may remain in near-surface soils. A soil investigation was conducted to determine if any residual agrichemicals may be present in site surface soils. Organochlorine pesticides detected in the soil consist of DDT, Endosulfan, Endrin, Heptachlor epoxide, and Dieldrin. Each concentration is below the EPA Preliminary Remediation Goals (PRGs) and the San Francisco Bay Regional Water Quality Control Board (RWQCB) direct exposure screening scenarios for shallow residential soils.

Arsenic levels were found to be slightly elevated in three of the composite samples so the original samples were separated and analyzed as discrete samples. The average reported concentration of arsenic for the two composite and six discrete samples was 10.7 ppm. Concentrations of mercury, arsenic, and lead are therefore consistent with background soil concentrations for the State of California. The property does not appear to have been adversely impacted from past agricultural practices.

Following review of the Phase I and agrichemical impact reports, the Municipal Environmental Compliance Officer determined that the very low pesticide levels are well below any threshold

of concern and the metal concentrations are at background levels; no further investigation would be required.

Soil Contamination

The site and surrounding properties have historically been used for light industrial and commercial purposes. Due to the nature of the various tenants' activities over the years, it is conceivable that some shallow soil contamination may exist within the property. A qualified environmental professional should be present during demolition and stripping of the property to identify possible soil contamination.

Demolition

The project would require the demolition of a structure(s) that may contain hazards such as asbestos-containing materials (ACM) or lead based paint (LBP). The structures to be removed should be surveyed for the presence of ACM and/or LBP. If any suspect ACM are present, they should be sampled prior to demolition and removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) and Cal-OSHA requirements, if warranted. If any suspect LBP is present, it should be sampled prior to demolition and removed in accordance with EPA and OSHA requirements, if warranted.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Project Measures

General

- The site shall be viewed by a qualified environmental professional during demolition and pre-grading activities to observe areas of the property that may have been obscured by existing structures or pavement for such items as stained soils, septic systems, underground storage tanks, and/or unforeseen buried utilities; and, if found, a mitigation program shall be developed and implemented with such measures as soil testing, removal and/or offsite disposal at a permitted facility.

Asbestos-Containing Materials

- The structures to be removed shall be surveyed for the presence of asbestos-containing materials at the demolition permit stage; and if any suspect ACM are present, they shall be sampled prior to demolition in accordance with NESHAP guidelines, and all potentially friable ACM shall be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with NESHAP and Cal-OSHA requirements.

Lead Based Paint

- The structures to be removed shall be surveyed for the presence of lead based paint at the demolition permit stage; and if any suspect LBP is present, it shall be sampled prior to demolition, and all potential LBP shall be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with EPA and OSHA requirements.

8. HYDROLOGY AND WATER QUALITY

SETTING

Waterways

There are no waterways on the project site or within 300 feet of the project site.

Flooding

According to the Federal Emergency Management Agency's (FEMA) *Flood Insurance Rate Maps*, the project site is not within Zone A, the area of 100-year flood. However, according to the Santa Clara Valley Water District's (SCVWD) *Maps of Flood Control Facilities and Limits of 1% Flooding*, the site is within a zone of flooding to a depth of less than one foot.

Water Quality

Stormwater runoff flows to Coyote Creek and then north to the San Francisco Bay.

The project site is currently covered with buildings and paved areas, and is over 90 percent impervious surfaces.

Nonpoint Sources

The Clean Water Act states that the discharge of pollutants in stormwater to Waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The U.S. Environmental Protection Agency requires under the Clean Water Act that any stormwater discharge from construction sites larger than five acres be in compliance with the NPDES. The State Regional Water Quality Control Board (RWQCB), which is responsible for implementing and enforcing the program, issued a statewide General Permit for construction activities. Provisions of the current Permit require that the following issues be addressed with respect to water quality regardless of the size of the site: 1) erosion and sedimentation during clearing, grading or excavation of a site; and 2) the discharge of stormwater once construction is completed. Coverage under this Permit would be obtained by submitting a Notice of Intent to the RWQCB that identifies the responsible party, location and scope of operation; and by developing and implementing a Storm Water Pollution Prevention Plan (SWPPP) as well as monitoring the effectiveness of the plan.

The Santa Clara Valley Urban Runoff Pollution Prevention Program was developed to control nonpoint sources of pollution from entering water sources and deteriorating water quality. A number of control measures, including those related to development activities, industrial and construction inspections, public agency activities and public outreach efforts, are also currently being developed and implemented. The development, implementation and enforcement of control measures to reduce pollutant discharges from areas of new development is the responsibility of the Urban Runoff Pollution Prevention Program in cooperation with the RWQCB.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on hydrology and water quality if it would:

- Violate any water quality standards or waste discharge requirements.
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).
- Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.
- Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Otherwise substantially degrade water quality.
- Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- Place within a 100-year flood hazard area structures that would impede or redirect flood flows.
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- Be subject to inundation by seiche, tsunami or mudflow.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
8. HYDROLOGY AND WATER QUALITY. Would the project:					
a. Violate any water quality standards or waste discharge requirements?		X			28,55,69
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	28
c. Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	26,28

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
8. HYDROLOGY AND WATER QUALITY (Cont.). Would the project:					
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?				X	26,28
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X	26,28
f. Otherwise substantially degrade water quality?				X	26,28
g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X		26, 27,53,54
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				X	26, 27,53,54
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	27,28
j. Be subject to inundation by seiche, tsunami or mudflow?				X	27

Flooding

The project site is not within the limits of potential inundation with the occurrence of a one percent flood.

Water Quality

Development of the site with residential uses would reduce the amount of impervious surface on the site with the addition of open landscaped areas, and would reduce the amount of runoff and associated water quality impacts. The primary impact on water quality would be from street drainage. Particulates, oils, greases, toxic heavy metals, pesticides and organic materials are typically found in urban storm runoff. The project's contribution would have a potentially significant impact on water quality. In addition, temporary construction-related activities such as clearing, grading or excavation could result in potentially significant impacts to water quality.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Water Quality

- A Notice of Intent and a Storm Water Pollution Prevention Plan that addresses both construction and post-construction periods and specifies erosion and sediment control measures, waste disposal controls, maintenance responsibilities and non-stormwater management controls, shall be submitted to the RWQCB and maintained onsite, respectively, to comply with the stormwater discharge requirements of the NPDES General Permit.

Project Measures

Water Quality

- A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMPs) such as the use of infiltration of runoff onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water separators, porous pavement, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management.

9. LAND USE AND PLANNING

SETTING

General Plan

The land use designation for the project site on the San Jose 2020 General Plan is Medium Density Residential (8-16 du/ac) (GP04-07-01). The project conforms with this classification.

Special Areas

The project site is not located within any of the following special areas:

- Midtown Planned Community and Specific Plan Area
- Jackson – Taylor Planned Residential Community
- Communications Hill Planned Community
- Evergreen Planned Residential Community
- Berryessa Planned Residential Community
- Silver Creek Planned Residential Community
- Alviso Master Plan Area
- Tamien Specific Plan Area
- Downtown Strategy Plan Area
- North San Jose (Rincon de los Esteros Redevelopment Area)
- Edenvale Redevelopment Area

Zoning

The project site is currently zoned ML (Light Industrial District) in the County of Santa Clara. The project is an application to prezone the site to A(PD) in accordance with the proposed General Development Plan. Subsequent to the zoning, the site will be annexed to the City of San Jose.

Existing Use

The project site is currently vacant, except for a caretaker living in one of the two structures on Umbarger Road. Previous uses of the site include: various small businesses, including contractors and auto body shops, with agricultural use prior to the 1960s. The project is a land use presently existing in the surrounding neighborhood (within 500 feet of the site).

Surrounding Uses

Land uses surrounding (within 500 feet of) the project site include: public park/open space (Santa Clara County Fairgrounds) and single family detached residential to the north; residential (mobile home community) and a PG&E transformer to the east; single family residential and light industrial to the south; and light industrial to the west.

Santa Clara County Fairgrounds Master Plan

The northwesterly boundary of the project site is contiguous to the Santa Clara County Fairgrounds. The fairgrounds are currently undergoing revitalization in accordance with the following Master Plan, Figure 16. There is a stand of existing trees along a portion of the northwesterly boundary. The remaining area adjacent to the project site is currently vacant. The Master Plan designates the area for lawn parking/stormwater detention.

Click here for [COUNTY FAIRGROUNDS MASTER PLAN](#)
(FIGURE 16)

8 1/2 X 11

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on land use and planning if it would:

- Physically divide an established community.
- Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
9. LAND USE AND PLANNING. Would the project:					
a. Physically divide an established community?				X	25,26,28
b. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	29,80
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	25,26,28

The project would change the land use on the site from vacant light industrial to residential use in accordance with the General Plan land use designation. Residential use is compatible with the surrounding area as it is an infill site located in a transition area between light industrial and residential. Development of the project site would introduce new roads and homes to the area. These uses would change the view of the site and would generate increases in traffic, noise and air pollution in the area that would not be significant.

Santa Clara County Fairgrounds Master Plan

The proposed project would be compatible with the lawn parking/stormwater detention area planned for the adjacent fairgrounds.

A new performing arts theater is planned in the southwesterly corner of the fairgrounds near Monterey Road and Umbarger Road, as shown on the preceding County Fairgrounds Master Plan, Figure 10. According to the *Santa Clara County Fairgrounds Revitalization Plan Final Environmental Impact Report*, the performing arts theater, due to its proposed location (set back from Monterey Road and from Umbarger Road), would not be expected to conflict with adjacent

offsite uses, including industrial and residential uses on Umbarger Road. The new uses proposed at the fairgrounds, including the enclosed theater, are not expected to create excessive noise, heat, glare, vibration, air/odor emissions, or truck trips that can be operational nuisances for neighboring land uses. The traffic control plan for large events at the performing arts center would discourage patrons from accessing the fairgrounds via Umbarger Road, east of the fairgrounds entrance; accordingly, traffic noise increases on the eastern half of Umbarger Road (approximately 0.4 dB DNL) would not be substantial. Prior to the construction of the new performing arts theater, a bermed buffer will be constructed along the fairgrounds perimeter where it abuts residential development. The buffer will screen residents from views of the fairgrounds, attenuate construction noise, reduce the dispersion of fugitive dust, and further restrict access to the construction areas.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

10. MINERAL RESOURCES

SETTING

The project site does not contain any known important mineral resources.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on mineral resources if it would:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
10. MINERAL RESOURCES. Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	59
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	59

The project site is within a developed urban area. The project would not result in the loss of availability of a known mineral resource.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

11. NOISE

Charles M. Salter Associates, Inc. conducted an environmental noise study that is included in the Technical Appendix.

SETTING

Existing Noise Sources

Noise intrusion over the project site originates primarily from vehicular traffic sources along Umbarger Road.

The project site is located adjacent to the Santa Clara County Fairgrounds to the north, mobile homes to the east, single family residences to the south, and a mixture of commercial/industrial uses to the west. The current uses of the commercial/ industrial properties appear to be vehicle and equipment storage, and office; noise generated on these properties is intermittent, occurring mostly when vehicles or equipment move on the site.

Measurements

To assess the site's existing noise environment, continuous sound level recordings were taken at three locations: 1) approximately 25 feet north of the Umbarger Road centerline, adjacent to San Jose Towing; 2) approximately 325 feet north of the Umbarger Road centerline, adjacent to the San Jose Towing yard; and 3) approximately 15 feet south of the shared property line with the Santa Clara County Fairgrounds.

Noise levels are described in terms of the Day-Night Sound Level (DNL), which is the 24-hour noise descriptor used by the City of San Jose to define acceptable noise levels. To obtain the DNL values, continuous sound level measurements were made from April 19 to 21, 2004, for a total period of 38 hours, and included representative hours of the daytime and nighttime periods of the DNL index. Calculations using the above information result in DNL values of 69 dB at approximately 25 feet north of the centerline of Umbarger Road, and of 60 dB at the other two measurement locations.

ALUC Noise Zone

The project site is not located within an Airport Land Use Commission (ALUC) Noise Zone (65 dB CNEL).

SIGNIFICANCE CRITERIA

The proposed project would have a significant noise impact if it would result in:

- Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels.

- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.
- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
11. NOISE. Would the project result in:					
a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X			26,60,89
b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?				X	25,27
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		25,26,28
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X			25,26,28
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	27,61
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	27,61

Standards

Noise criteria that apply to the project are included in the City of San Jose General Plan, which establishes a policy of requiring noise mitigation from transportation noise for residential land use where the exterior level exceeds 60 dB DNL and/or the interior level exceeds 45 dB DNL. It is recognized, however, that attainment of the exterior noise quality levels in the vicinity of San Jose International Airport, the Downtown Core Area and along major roadways may not be achieved within the time frame of the General Plan.

Exterior Noise Exposures

Onsite measurements and calculations determined that the maximum DNL for the most impacted dwellings along Umbarger Road under existing traffic conditions is 69 dB. The remainder of the site is measured at 60 dB DNL.

To fully assess the impact of traffic noise on the project, future traffic levels must also be considered. Future traffic volumes on Umbarger Road along the site are not projected to increase over existing conditions, based on the City's Year 2010 forecast model; thus, the existing and future noise exposure along Umbarger Road is calculated to remain at 69 dB DNL. The existing and future 69 dB DNL at the most impacted dwellings along Umbarger Road (Lots 1, 2, and 3) would exceed the City of San Jose policy level by 9 dB.

Interior Noise Exposures

To determine the interior DNL values, a 15 dB attenuation factor was applied to the measured exterior exposure. This factor represents an annual average condition; i.e., assuming that windows with single-strength glass are kept open up to 50 percent of the time for natural ventilation. Interior noise exposures in the dwelling units closest to Umbarger Road (Lots 1, 2, and 3) would be 54 dB DNL under projected future traffic conditions. Thus, the interior exposure would be 9 dB in excess of the 45 dB interior limit of the General Plan.

Temporary Construction Noise

During construction, the site preparation and construction phase would generate temporary sound levels ranging from approximately 70 to 90 dBA at 50 foot distances from heavy equipment and vehicles. These construction vehicles and equipment are generally diesel powered, and produce a characteristic noise that is primarily concentrated in the lower frequencies.

The powered equipment and vehicles act as point sources of sound, which would diminish with distance over open terrain at the rate of 6 dBA for each doubling of the distance from the noise source. For example, the 70 to 90 dBA equipment peak noise range at 50 feet would reduce to 64 to 84 dBA at 100 feet, and to 58 to 78 dBA at 200 feet. Therefore, during the construction operations, sound level increases of 20 to 40 dBA due to these sources could occur near the project boundary.

Since construction is carried out in several reasonably discrete phases, each has its own mix of equipment and consequently its own noise characteristics. Generally, the short-term site preparation phase, which requires the use of heavy equipment such as bulldozers, scrapers, trenchers, trucks, etc., would be the noisiest. The ensuing building construction and equipment installation phases would be quieter and on completion of the project, the area's sound levels would revert essentially to the traffic levels.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Interior Noise

- Mechanical ventilation shall be provided in accordance with Uniform Building Code requirements when windows are to be closed for noise control.

Project Measures

Mitigation measure details and specifications are included in the noise assessment.

Exterior Noise

- A 6-foot-high noise attenuation barrier shall be constructed along Umbarger Road (Lots 1, 2, and 3), with a small segment continuing along the northeasterly property line to control flanking.

Interior Noise

- Windows and sliding glass doors shall be maintained closed and STC 30 or higher rated windows and doors shall be installed at all upper floor and unshielded ground floor living spaces along Umbarger Road (Lots 1, 2, and 3), and having a direct or side view of the roadway.
- The remaining windows within the project shall be constructed of dual-pane construction-grade glass.

Temporary Construction Noise

- Construction operations shall be limited to the daytime hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any onsite or offsite work within 500 feet of any residential unit so as to avoid the more sensitive evening, nighttime and weekend hours.
- All construction equipment, fixed or mobile, shall be in proper operating condition and fitted with standard factory silencing features; mufflers shall be used on all heavy construction equipment.

12. POPULATION AND HOUSING

SETTING

The population of the City of San Jose is approximately 898,349. The project site is located in Census Tract 5032.14, which has a population of approximately 5,506 (2000 Census). There are one housing unit and one former housing unit currently on the project site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on population and housing if it would:

- Induce substantial population growth in an area, either directly or indirectly.
- Displace numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
12. POPULATION AND HOUSING. Would the project:					
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	25,26,28
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	25,26
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	25,26

The project would displace one existing and one former housing unit. The project would add 30 housing units that would add approximately 105 people to the City of San Jose, which would not be a substantial increase to the City's population.

Direct growth inducing impacts include the construction of streets and utilities that would provide access to or capacity for additional undeveloped land. The site is bordered by developed residential, light industrial and County fairground uses. The project would not have a direct growth inducing impact. Indirect growth inducing impacts include increases in population and economic impacts. There would be short-term increases in employment in the construction industry. The project would not have an indirect growth inducing impact.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

13. PUBLIC SERVICES

SETTING

Schools

The project site is in the Franklin-McKinley School District (K-8) and the East Side Union High School District (9-12). Students from the project are expected to attend:

School	Address	Approx. Distance (miles)	Enrollment
Franklin Elementary	420 Tully Road	0.4	608
Sylvandale Middle	653 Sylvandale Avenue	1.4	953
Andrew P. Hill High	3200 Senter Road	1.0	2,100

Parks

There are no developed City of San Jose parks within walking distance (3/4 mile) of the project site. The closest park is the Coyote Creek Park Chain, 385 acres of mostly undeveloped park land (some trails) along Coyote Creek from William Street Park to Hellyer Park. It is approximately 0.3 mile easterly of the project site. The closest developed park is Solari Park at Cas Drive and Los Arboles Street, approximately 1.1 miles southerly of the project site. It is an 8.8-acre neighborhood park that contains 2 playgrounds, a basketball court, four lighted tennis courts, a lighted softball field, picnic tables, barbecue pits and restrooms.

Fire Protection

The project site is in the service area of the San Jose Fire Department. The closest fire station is Station No. 26 at 528 Tully Road, approximately 0.4 mile from the site.

Police Protection

The project site is within Beat No. L4 of the San Jose Police Department's service area. The most frequent crimes reported in Beat L4 during 2003 were narcotics, simple assault, auto theft, and vandalism.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on public services if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection; Police protection; Schools; Parks; and Other Public Facilities.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
13. PUBLIC SERVICES. Would the project:					
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?			X		28
Police protection?			X		28,65
Schools?			X		6,8
Parks?			X		9,28,63
Other public facilities?			X		28

Schools

The project would add additional students to the Franklin-McKinley School District and the East Side Union High School District, as follows:

School	Enrollment	Generation Factor	Number of Students
Franklin Elementary	608	0.15/du	5
Sylvandale Middle	953	0.06/du	2
Andrew P. Hill High	2,100	0.20/du	6

Based on the district generation factors listed above, the project would generate a total of up to 13 students. This is not considered to have a significant physical effect on the environment.

The State School Facilities Act provides for school district impaction fees for elementary and high schools and related facilities as a condition of approval of residential projects. Both districts have implemented such a fee. The one-time fee, which is based on the square footage of new habitable residential construction, would be paid prior to the issuance of a building permit and would be allocated to the two districts.

Parks

The City of San Jose provides parks and recreation facilities within the city. Project residents would increase the demand for public park facilities. While there are currently no developed City of San Jose parks within the 3/4-mile reasonable walking distance standard, the 385-acre Coyote Creek Park Chain is located approximately 0.3mile to the east and Solari Park, an 8.8-acre neighborhood park, is located approximately 1.1 miles to the south.

The City has established a Parkland Dedication Ordinance that requires dedication of land and/or payment of fees for neighborhood and community park or recreational purposes in accordance with the Services and Facilities and the Parks and Recreation Goals and Policies of the General Plan. There are currently no plans to dedicate land for park purposes with the project. Fees would be paid to improve park features in the area.

Fire Protection

The project site is in the service area of the San Jose Fire Department. No additional fire personnel or equipment are expected to be necessary due to the implementation of this project.

Police Protection

The San Jose Police Department provides police protection for the city. No additional police personnel or equipment are expected to be necessary to serve the project.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

14. RECREATION

SETTING

There are no developed City of San Jose parks within walking distance (3/4 mile) of the project site. The closest park is the Coyote Creek Park Chain, 385 acres of mostly undeveloped park land (some trails) along Coyote Creek from William Street Park to Hellyer Park. It is approximately 0.3 mile easterly of the project site. The closest developed park is Solari Park at Cas Drive and Los Arboles Street, approximately 1.1 miles southerly of the project site. It is an 8.8-acre neighborhood park that contains 2 playgrounds, a basketball court, four lighted tennis courts, a lighted softball field, picnic tables, barbecue pits and restrooms.

SIGNIFICANCE CRITERIA

The project would have a significant impact on recreation if it would:

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
14. RECREATION.					
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		28,63
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X	7,26,28

The City of San Jose provides parks and recreation facilities within the city. Project residents would increase the demand for public park facilities. While there are currently no developed City of San Jose parks within the 3/4-mile reasonable walking distance standard, the 385-acre Coyote Creek Park Chain is located approximately 0.3 mile to the east and Solari Park, an 8.8-acre neighborhood park, is located approximately 1.1 miles to the south.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

15. TRANSPORTATION / TRAFFIC

Pang Engineers, Inc. conducted a traffic analysis that is included in the Technical Appendix.

SETTING

Street System

Access to the project site is provided by Umbarger Road, a two-lane street that provides access to Senter Road to the east, and to Monterey Road to the west. Monterey Road (State Highway 82) is a four-lane highway that provides access to Interstate 280 (I-280) to the north and to Capitol Expressway to the south. Senter Road is a four-lane arterial street.

Level of Service

In an urban street network, the critical determinants for overall traffic conditions are the operational characteristics of the major intersections. To establish a standard frame of reference when describing traffic flow, the concept of level of service is used. As described by the *Highway Capacity Manual*, the level of service of a facility is a theoretical traffic volume determined by its physical and operational characteristics and by stipulated conditions of traffic flow. Delay is a measure of driver discomfort, frustration, fuel consumption, and lost travel time, which is measured as the average stopped delay per vehicle. Flow conditions vary from unrestricted at Level A to forced flow at Level F, as described below.

Level of Service	Type of Flow	Traffic Conditions	V/C Ratio	Delay (sec.)
A	Free	No approach phase fully utilized. No vehicle waits longer than one red indication.	<0.60	≤10.0
B	Stable	An occasional approach phase is fully utilized.	0.60-0.69	10.1-20.0
C	Stable	Occasional drivers may have to wait through more than one red signal. Backups may develop behind turning vehicles.	0.70-0.79	20.1-35.0
D	Approaching Unstable	Delays to vehicles may be substantial during short peaks, but periodic clearance of queues prevents excessive backups from developing.	0.80-0.89	35.1-55.0
E	Unstable	Capacity, with sustained delays and backups.	0.90-0.99*	55.1-80.0
F	Forced	Excessive delay.	Varies	>80.0

* In general, V/C ratios could not be greater than 1.00. However, if future demand projections are considered for analytical purposes, a ratio greater than 1.00 might be obtained, indicating that the projected demand would exceed the capacity.

The major street system in the project site vicinity and the levels of service are shown on the following Major Street System map.

Click here for [MAJOR STREET SYSTEM MAP](#)
(FIGURE 17)

8 1/2 x 11

Existing Conditions

Local conditions and project impacts are evaluated by TRAFFIX, which is a computer program based on the *Highway Capacity Manual* method for signalized intersections. TRAFFIX evaluates signalized intersection operations on the basis of average delay time for all vehicles at the intersection. Two major intersections that would be affected by the project are reviewed. The General Plan/ Transportation Level of Service Policy requires that the minimum overall performance of City streets during peak travel periods should be level of service “D”.

The major intersections were evaluated under existing and future traffic conditions to determine their level of service. Future conditions were determined by adding traffic projections from approved projects that have not been occupied, as provided by the City Department of Public Works Development Services Division, to the existing condition.

The following table lists the weighted average delays and equivalent levels of service for the existing and existing plus approved morning and evening peak hours.

Table 3. Existing Levels of Service

Intersection	Peak Hour	<u>Existing</u>		<u>Existing + Approved</u>	
		Delay* (sec.)	LOS	Delay* (sec.)	LOS
Umbarger Road and Monterey Road	a.m.	19.8	B	19.7	B
	p.m.	18.0	B	18.2	B
Umbarger Road and Senter Road	a.m.	8.9	A	8.9	A
	p.m.	11.1	B	11.1	B

*Delay – Average delay for the whole intersection in seconds.

LOS = Level of Service

Under the existing plus approved condition, none of the intersections is operating below Level D.

Public Transit

Public transit in the project area is provided by the Santa Clara Valley Transportation Authority. Bus routes 66, 68, 304, and 305 operate along Monterey Road, with bus stops at Umbarger Road. Bus route 73 operates along Senter Road, with bus stops at Umbarger Road. The project site is not located within 2,000 feet of a light rail station.

Congestion Management Program Analysis

A Congestion Management Program (CMP) analysis was not performed because the Santa Clara County Congestion Management Agency, which monitors regional traffic issues, does not require an analysis for small projects of less than 100 peak hour trips.

Freeway Segment Analysis

A freeway level of service analysis was not performed since project trips on freeway segments would not be greater than one percent of the capacity of the segments.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on transportation / traffic if it would:

- Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.
- Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- Substantially increase hazards due to a design feature or incompatible uses.
- Result in inadequate emergency access.
- Result in inadequate parking capacity.
- Conflict with adopted policies, plans or programs supporting alternative transportation.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
15. TRANSPORTATION/TRAFFIC. Would the project:					
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?			X		28,68,90
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X		28,74
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	27,28
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?				X	26,28
e. Result in inadequate emergency access?				X	26,28
f. Result in inadequate parking capacity?				X	26,28
g. Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	26,29

Trip Generation

The potential traffic generation is estimated in the following table.

Table 4. Project Traffic Generation

Land Use	Size	Trip Rate	Daily Trips	A.M. Peak Hour Trips			P.M. Peak Hour Trips		
				In	Out	Total	In	Out	Total
Proposed									
SFD residential	30 du's	9.9	297	10	20	30	20	10	30
Existing									
SFD residential	1 du	9.9	10	0	1	1	1	0	1
Office	1,200 sf	20.0	<u>24</u>	<u>3</u>	<u>0</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>
			34	3	1	4	2	2	4
Net Project			==	==	==	==	==	==	==
		Total:	263	7	19	26	18	8	26

Trip Distribution and Assignment

The project-generated trips were distributed and assigned to the local street system in accordance with existing traffic patterns. Further trip distributions are detailed in the traffic analysis in the Technical Appendix.

Project Impacts

The major intersections were analyzed for changes in average delay and level of service with the addition of project traffic. The average delays and corresponding levels of service are listed in the following table, and the levels of service are shown on the following Traffic Impacts map.

Table 5. Project Levels of Service

Intersection	Peak Hour	Exist. + Approved		Exist. + Appr. + Project	
		Delay* (sec.)	LOS	Delay* (sec.)	LOS
Umbarger Road and	a.m.	19.7	B	20.8	B
Monterey Road	p.m.	18.2	B	18.3	B
Umbarger Road and	a.m.	8.9	A	9.1	A
Senter Road	p.m.	11.1	B	11.3	B

* Delay = Average delay for the whole intersection in seconds.

LOS = Level of Service

Click here for [TRAFFIC IMPACTS MAP](#)
(FIGURE 18)

8 1/2 x 11

The existing plus approved levels of service at the two major intersections would remain unchanged with the addition of project traffic; and none of the intersections is operating below Level D. Therefore, the project's traffic impacts would be less-than-significant and no mitigation measures are required to meet the City's Transportation Level of Service Policy.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

16. UTILITIES AND SERVICE SYSTEMS

SETTING

Sanitary Sewers

There are existing 10-inch and 24- to 27-inch City of San Jose sanitary sewers in Umbarger Road. Extensions within the project would be required.

Wastewater Treatment

Wastewater treatment for the City of San Jose is provided by the San Jose-Santa Clara Water Pollution Control Plant (WPCP). Capacity is expected to be available to serve the project based on the current capacity of 167 million gallons per day (MGD). The Water Pollution Control Plant is currently processing an estimated 135 MGD of dry weather flow. At the same time, the WPCP is currently operating under a 120 MGD dry weather flow trigger. This requirement is based upon the State Water Resources Board and the Regional Water Quality Control Board (RWQCB) concerns over the effects of additional freshwater discharges on the saltwater marsh habitat, and pollutants loading to the South Bay from the WPCP. A Growth Management System regulates new development to assure that the capacity is not exceeded. There are programs and services in place to help minimize flows to the Plant and, while plans are in place to ensure Plant compliance with the 120 mgd trigger, those plans call for conservation and water recycling as strategies for ongoing compliance.

Water Supply

There is an existing San Jose Water Company water line in Umbarger Road. Extensions within the project would be required.

Storm Drainage Facilities

There is an existing 18-inch City of San Jose storm drainage line in Umbarger Road. Extensions within the project would be required.

Solid Waste / Recycling

Residential solid waste disposal service for the project site is provided by the City of San Jose, using GreenTeam of San Jose and/or Norcal. They are currently using the Newby Island sanitary landfill disposal site operated by International Disposal Company. The landfill area has an estimated service life of 30 years. An unlimited residential recycling program in the City currently results in an approximately 50 percent reduction in residential solid waste that typically required disposal in a landfill.

Gas and Electric Service

Natural gas and electric services for San Jose are provided by Pacific Gas and Electric Company. There are existing services in the area.

Telephone Service

Telephone service for the project site is provided by SBC. There is existing service in the area.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on utilities and service systems if it would:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- Comply with federal, state and local statutes and regulations related to solid waste.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		28
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		28
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		28
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		28

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
16. UTILITIES AND SERVICE SYSTEMS (Cont.). Would the project:					
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		28
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		28
g. Comply with federal, state and local statutes and regulations related to solid waste?			X		28

Sanitary Sewers

Sanitary sewer service for the project site is provided by the City of San Jose. The existing 10-inch and 24- to 27-inch sanitary sewer lines in Umbarger Road are available and adequate to serve the project. Extensions within the project would be provided.

Wastewater Treatment

Wastewater treatment for the City of San Jose is provided by the San Jose-Santa Clara Water Pollution Control Plant. The project is estimated to generate an average of approximately 7,100 gallons per day (0.01 MGD) of effluent, based on the Growth Management System's land use/effluent coefficient of 237 gallons per day per single family detached residential unit. High energy efficiency appliances (e.g., Energy Star Certified clothes washers, dishwashers, etc.) would be provided with the project.

Water Supply

Water for the project site is provided by the San Jose Water Company. The existing water line in Umbarger Road is available and adequate to serve the project. Extensions within the project would be provided. The project is estimated to require approximately 13,700 gallons of water per day, based on 130 gallons per person per day. The project incorporates built-in water saving devices such as shower heads with flow control devices and low flush toilets to reduce water usage.

Storm Drainage Facilities

Development of the site with residential uses would reduce the amount of impervious surface on the site with the addition of open landscaped areas, and would reduce the amount of runoff. Storm drainage service for the project site is provided by the City of San Jose. The existing 18-inch storm drainage line in Umbarger Road is available and adequate to serve the project.

Extensions within the project would be provided. An onsite collection system including curbs, gutters and an underground system would be included in the project.

Solid Waste / Recycling

Residential solid waste disposal service for the project site is provided by the City of San Jose. The project is estimated to generate up to approximately 58 tons of solid waste per year, based on 3.0 pounds per person per day; however, with recycling, the amount disposed of in a landfill could be reduced to approximately 29 tons per year.

Gas and Electric Service

There are existing Pacific Gas and Electric Company gas and electric services in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service.

Telephone Service

There are existing SBC telephone facilities in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

17. MANDATORY FINDINGS OF SIGNIFICANCE

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects.)			X	
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

Impact Summary

As discussed in previous sections, the proposed project would have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, with respect to air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise. With the implementation of the previously listed Mitigation Measures Included in the Project, these impacts would be reduced to less-than-significant impacts with mitigation.

ENVIRONMENTAL CLEARANCE APPLICATION

APPLICANT'S CERTIFICATION

APPLICANT Braddock & Logan Group

PROJECT TITLE **Umbarger Road Property**

PROJECT LOCATION Northwestern side of Umbarger Road, approximately 1/4-mile west of Senter Road (413, 425 Umbarger Road)

I hereby certify that the statements furnished about and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

If, to my knowledge, any of the facts represented here change, it is my responsibility to inform the City of San Jose.

Date

Applicant

APPENDIX

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Persons and Organizations Consulted

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7. **Cathy Lanford**, Assistant Project Manager, East Side Union High School District
8. **Alan Garofalo**, Director of Facilities and Bond Management, East Side Union High School District
9. **Brad Brown**, Park Planner, Park Planning and Development Department, Architectural Engineering Division, City of San Jose
10. **Karen Mack**, Principal Engineering Technician, Transportation Department, City of San Jose
11. **Vicki Larson**, Engineering Technician, Engineering Department, San Jose Water Company
12. **Sami Areikat**, Sanitary Engineer, Environmental Services Department, City of San Jose
13. **Skip Lacaze**, Senior Environmental Specialist, Office of Environmental Management, City of San Jose
14. **Gas and Electrical Mapping Departments**, Pacific Gas and Electric Company

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Consultants' Reports

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86. **Geotechnical Exploration, 425 Umbarger Road, San Jose, California**, ENGEO Incorporated, April 28, 2004
87. **Phase I Environmental Site Assessment, 425 Umbarger Road, San Jose, California**, ENGEO Incorporated, January 30, 2004
88. **Agrichemical Impact Assessment, 425 Umbarger Road, San Jose, California**, ENGEO Incorporated, April 1, 2004
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90. **Traffic Analysis Report, Residential Project, Umbarger Road PDC04-054**, Pang Engineers, Inc., August 20, 2004

TECHNICAL APPENDIX

TECHNICAL APPENDIX

Copies of the following consultants' reports, which were prepared for the **Umbarger Road Property** and are summarized in this Environmental Clearance Application / Initial Study, are included in this Technical Appendix.

Tree Located on Umbarger Road, Live Oak Associates, Inc., March 17, 2004

Geotechnical Exploration, 425 Umbarger Road, San Jose, California, ENGEO Incorporated, April 28, 2004

Phase I Environmental Site Assessment, 425 Umbarger Road, San Jose, California, ENGEO Incorporated, January 30, 2004

Agrichemical Impact Assessment, 425 Umbarger Road, San Jose, California, ENGEO Incorporated, April 1, 2004

Environmental Noise Assessment, Umbarger Road Site, Charles M. Salter Associates, Inc., August 24, 2004

Traffic Analysis Report, Residential Project, Umbarger Road PDC04-054, Pang Engineers, Inc., August 20, 2004